

ORIGINAL

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In re

Review of the Syndication and  
Financial Interest Rules,  
Sections 73.659-72.663 of the  
Commission's Rule

MM Docket No. 95-39

RECEIVED  
MAY 15 1995  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

**MOTION FOR EXTENSION OF TIME**

The Coalition to Preserve the Financial Interest and Syndication Rule (the "Coalition") respectfully requests that the Commission extend the deadline for filing Comments in the above-captioned proceedings from May 30 to June 30, 1995, and the deadline for filing Reply Comments from June 14 to July 21, 1995. The Coalition is authorized to represent that INTV, Media Access Project, and Tribune Broadcasting Company support the proposed extension. In support of this motion, the Coalition states:

1. The Commission's decision in 1993 to repeal the financial interest portion of the financial interest and syndication rule was necessarily based on predictions concerning the costs and benefits of taking such action. Now, for the first time since the Commission began its reexamination of the financial interest and syndication rule, parties have the ability to present evidence of the actual costs and benefits of eliminating this regulatory safeguard.

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Indeed, the Commission scheduled this review so that it could "gauge as responsibly as possible . . . the accuracy of [its] 1993 predictions." NPRM at ¶ 11-12. In addition, the review provides the Commission the opportunity "to observe network conduct under the relaxed rules" before deciding whether further deregulation is appropriate. *Id.* at ¶ 4. In order to build an adequate record on which to make these judgments, the Commission called for parties favoring retention of the rules to "support their positions with empirical data" on such factors as the percentage of network programming in which a network has obtained a financial interest or syndication right, and network negotiating patterns. *Id.* at ¶ 12.

2. The Coalition is in the process of gathering information from its members to provide precisely this kind of evidence. For the reasons set forth below, however, our evidence (and analysis) will necessarily be incomplete if we must file with the Commission on May 30.

3. The networks will announce their Fall 1995 prime time schedules later this month. In the meantime, however, the Coalition has a three-fold problem in gathering and analyzing data with respect to the effects of eliminating the financial interest rule.

- First, we cannot collect and analyze information with respect to network negotiation patterns and acquisition of financial interests for the Fall 1995 season until

this round of negotiations is complete.

- Second, we cannot collect and analyze information with respect to the networks' Fall 1995 schedules -- and the percentage of programs scheduled by the networks in which they have acquired a financial interest or syndication right -- until those schedules are announced. None of the networks have yet announced their fall schedules, and the last of the network schedules will not be announced until the week prior to the May 30 deadline.

- Third, even with respect to those programs for which negotiations as to the license terms are complete (even if network pick-up is yet unknown), we are finding it exceedingly difficult to gather the information we need at this time. This is because the very same people who are in a position to provide us with the information we have requested are tied up in the final stages of the negotiations regarding pickups and the terms thereof with the networks.

4. The evidence before the Commission will be limited enough in scope without limiting it further, and unnecessarily, by imposing a short filing deadline. The Commission's 1993 decision did not take effect until June 5, 1993. 1993 R&O at ¶ 120. Because the networks' schedules had been finalized in May, the rule change was too late to affect the Fall 1993 line-up. Thus, unless the Commission grants the requested extension --

which will permit inclusion of Fall 1995 results -- the Commission will have evidence concerning only one year of program negotiations and decisions (Fall 1994). The modest extension of time that we are requesting will, in effect, *double* the amount of evidence available to the Commission.

5. The Coalition is mindful that the Commission has committed to complete its review by November 10, 1995. The requested extension, if granted, would still leave the Commission with ample time to meet that goal. There is no need or, indeed, justification for accelerating this review: the negotiations for the Fall 1996 season will not even commence until January 1996. The Commission would be acting in an arbitrary and capricious manner if it unduly impeded parties' ability to collect, analyze and submit the data it has requested simply so that it could reach, before November 10, a judgment that will have no discernable practical effect for months to come.

6. For these reasons, the Coalition respectfully requests that the Commission extend the filing deadline for comments until June 30 and for Reply Comments until July 21, 1995.

Respectfully submitted, .



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May 15, 1995

## **CERTIFICATE OF SERVICE**

I, Bonnie G. Eissner, do hereby certify that true copies of the foregoing **MOTION FOR EXTENSION OF TIME TO FILE REPLY COMMENTS** were mailed first class postage prepaid, unless otherwise indicated below, to the following individuals on this 16th day of May, 1995:

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